

## United States District Court

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICODISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

15 MAY 15 AM 9:13

v.

CRIMINAL COMPLAINT

Anthony Riley  
YOB: 1976

CASE NUMBER:

15mj 1514

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 4, 2015 in Cibola County, in the State and District of New Mexico defendant, an Indian, did, (Track Statutory Language of Offense)

The defendant, Anthony Riley, an Indian, unlawfully assaulted Jane Doe by striking her on the face causing injury; additionally Anthony Riley after having already received a final conviction on at least two (2) separate prior occasions in Federal, State, or Indian Tribal Court for any assault against a spouse, household member, or intimate partner.

in violation of Title 18 United States Code, Section(s) Section 1153, 117.

I further state that I am a Special Agent of the Bureau of Indian Affairs and that this complaint is based on the following facts:

See Attached Affidavit hereby incorporated by reference as if fully restated herein.

Continued on the attached sheet and made a part hereof:



Yes



No

AUSA – Glynnette Carlson-McNabb



Marcelino A. ToersBijns, Special Agent  
Bureau of Indian Affairs – Office of Justice Services

Sworn to before me and subscribed in my presence,

May 1, 2015 at Albuquerque, New Mexico  
Date City and State  
Kirtan Khalsa United States Magistrate Judge [Signature]  
Name & Title of Judicial Officer Signature of Judicial Officer

IN THE UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA )

VS. )

ANTHONY RILEY (YOB: 1976) )

Case No: \_\_\_\_\_

AFFIDAVIT

1. I, Marcelino A. ToersBijns have been a Law Enforcement Officer for 24 years and performed law enforcement duties as a Correctional Officer, Police Officer, Juvenile Investigator, Disciplinary Officer, Detective, Criminal Investigator, Special Agent, Internal Affairs Agent, and Supervisory Special Agent, while employed with various Law Enforcement entities. For the past 20 years, I have been employed with the Bureau of Indian Affairs, Law Enforcement Division and am currently a Special Agent. My primary duties as a Special Agent are to investigate major criminal offenses, which occur within the exterior boundaries of the Indian reservations to which I am assigned. Domestic Violence of Habitual Offenders is one of my responsibilities. The information set forth in this affidavit is known to me as a result of my own investigation or has been communicated to me by other law enforcement officers, agencies or agents.

2 Because this affidavit is being submitted for the purpose of securing a Warrant for Arrest, I have not included each and every fact known to me concerning this investigation. I have set forth facts I believe are Necessary to establish Probable Cause to arrest ANTHONY RILEY (YOB: 1976) for the Assault of JANE DOE (YOB: 1979) for

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the crime of Domestic Abuse by Habitual Offender, a violation of Title 18, United States Code, Section 117. ANTHONY RILEY will hereon be referred to as RILEY within this affidavit.

3. On March 4, 2015, at about 10:19 p.m., the Laguna Tribal Police Department received a telephone call from JANE DOE requesting police assistance concerning an assault. JANE DOE reported her boyfriend RILEY was hitting her. Laguna Officer(s) responded to 11 Capitol Road in Laguna Pueblo, New Mexico and initiated an investigation. The preliminary investigation determined a domestic assault occurred between two people. RILEY and JANE DOE (an adult female) were identified by police to be the people involved. JANE DOE was interviewed by police and she stated she was hit by RILEY and was hit on her face and chest. The interviewing officer took notice of JANE DOE'S face and there were no identified injuries. The Officer made contact with a male in the home who is RILEY's family member. This person initially told police he heard an argument then stated it was discussion, referencing RILEY and JANE DOE, and he did not see anything. Police made contact with RILEY at the home. RILEY was told by the officer that JANE DOE reported he hit her. RILEY made a statement, "She hit me back," and did not make any other statements. RILEY was subsequently arrested by Laguna Police for Domestic Violence.

4. On March 19, 2015, Bureau of Indian Affairs, Office of Justice Services, Laguna Agency Special Agent Marcelino A. ToersBijns received information during a Laguna Child Protection Team meeting about the March 4, 2015 domestic violence

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incident involving RILEY and JANE DOE. SA ToersBijns was informed RILEY has a domestic violence criminal history. SA ToersBijns initiated an investigation into the incident.

5. As part of the investigation, Special Agent TOERSBIJNS conducted a criminal history check on RILEY. RILEY has a criminal history of at least two Domestic Violence convictions against an intimate partner: Domestic Abuse on an intimate partner that occurred on or about July 21, 2009, on the Laguna Indian Reservation; 2009 Court Case No. CR09-3778 and a Domestic Abuse on an intimate partner that occurred on or about October 28, 2005, on the Laguna Indian Reservation; 2005 Court Case No. CR05-00500.

6. On April 21, 2015, JANE DOE was interviewed by Bureau of Indian Affairs, Office of Justice Service Special Agent (SA) MARCELINO TOERSBIJNS. JANE DOE has been dating RILEY for over four years. They live together and they have an intimate relationship. On or about March 4, 2015, JANE DOE left work about 6:30 p.m. JANE DOE went to her mother's home, consumed some alcoholic beverages, ate then went home where she lives with RILEY. When she got home, RILEY was under the influence and had been drinking. JANE DOE went to their bedroom to put her things away and started to close the door. RILEY followed her and pushed the door open causing the door to push JANE DOE back. RILEY got upset and started yelling and made accusations of JANE DOE cheating and continuously asked where she was at. RILEY grabbed her by her arms and she saw RILEY'S right fist coming towards her and

she put her hands up to block. She was able to partially block the first punch, but was still hit on the right side of her cheek. JANE DOE described herself closing her eyes and putting her hands up to protect her face. She believes RILEY punched her about 3 to 4 times. JANE DOE told RILEY to stop and he stopped. She started to cry and told RILEY she was going to call the police. RILEY yelled at her and told her to go ahead and he went into the bathroom. She then called the police. JANE DOE stated the next day she had swelling on her right cheek and had bruising on the back of her upper arm from RILEY'S fingers from when he grabbed her. JANE DOE reported there were previous incidents where she was physically assaulted by RILEY during their relationship, but were not reported to police.

7. The victim is **JANE DOE** (YOB: 1979), a Native American female and an enrolled tribal member of the Laguna Indian Tribe, State of New Mexico

8. The suspect is <sup>Anthony</sup>~~XXXXXXXX~~ **RILEY** (YOB: 1976), a Native American male and an enrolled tribal member of the Laguna Indian Tribe, State of New Mexico.

9. The assault occurred in a bedroom located at House #11 Capitol Road, Laguna Village, Laguna Pueblo, in Cibola County. This residence is located within the exterior boundaries of the Laguna Indian Reservation, State of New Mexico.

11. Based on the above mentioned facts, known to me concerning this investigation, the Affiant believes probable cause exist to arrest **ANTHONY RILEY** for the crime of Domestic Abuse by Habitual Offender in Indian Country as his criminal history indicates final convictions of at least two (2) qualifying final convictions in Federal, State, or Indian Tribal Court proceedings, in violation of Title 18, United States Code, Sections 1153 & 117, for the assault of **JANE DOE** (YOB: 1979).

I swear this information is the truth to the best of my knowledge and belief.



Marcelino A. ToersBijns  
Special Agent  
BIA/OJS Laguna Agency

Subscribed and Sworn to before me  
This 1st Day of ~~April~~ <sup>May</sup> 2015

  
United States Magistrate Judge